

ORDINANCE NO. _____

1 AN ORDINANCE amending Chapter 5.14 of the Lincoln Municipal Code to
2 relating to Bowling Alleys by amending the chapter title to Bowling Centers, amending Section
3 5.14.010 to provide a definition of “public bowling center” and to require a permit for a teen
4 night event at a public bowling center; amending Section 5.14.020 to change a reference from
5 public bowling alley to public bowling center; adding a new section numbered 5.14.022 to
6 provide the permit procedure and fee for teen night events; amending Section 5.14.030 to revise
7 conditions for issuance of permits; amending Section 5.14.040 to provide that permits for
8 bowling centers shall expire one year after date of issuance and permits for teen nights as stated
9 on the permit; amending Section 5.14.050 to change references to bowling “alleys” to “lanes”;
10 amending Section 5.14.060 to changes references to bowling alley to public bowling center and
11 to change a reference from alley to lane; amending Section 5.14.070 to clarify grounds for
12 revocation of permits; amending Section 5.14.080 to change a reference to “license” to “permit”
13 and to change a reference to bowling alley to public bowling center; adding a new section
14 numbered 5.14.100 to provide permit requirements for teen night events; adding a new section
15 numbered 5.14.110 to prohibit the use of tobacco and alcoholic liquor at all teen night events;
16 adding a new section numbered 5.14.120 to prohibit the participation of adults at teen night
17 events; adding a new section numbered 5.14.130 to establish closing hours for teen night events;
18 adding a new section numbered 5.14.140 to establish the minimum age of teen night event
19 participants; adding a new section numbered 5.14.150 to make it unlawful to falsely present age
20 at a teen night event; adding a new section numbered 5.14.160 to limit the use of facilities;

1 adding a new section numbered 5.14.170 to require the maintenance and one-year retention of a
2 roster of participants at each teen night event; adding a new section numbered 5.14.180 to require
3 a certificate of insurance coverage be submitted with each teen night event permit application;
4 adding a new section numbered 5.14.190 to provide an exception regarding violations; adding a
5 new section numbered 5.14.200 to provide penalties for violations of this chapter; and repealing
6 Sections 5.14.010, 5.14.020, 5.14.030, 5.14.040, 5.14.050, 5.14.060, 5.14.070, and 5.14.080 of
7 the Lincoln Municipal Code as hitherto existing.

8 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

9 Section 1. That the title of Chapter 5.14 of the Lincoln Municipal Code be
10 amended to read as follows:

11 **Chapter 5.14**

12 **Bowling ~~Alleys~~ Centers**

13 Section 2. That Section 5.14.010 of the Lincoln Municipal Code be amended to
14 read as follows:

15 **5.14.010 Permit Required.**

16 No person shall engage in the operation of a public bowling ~~alley~~ center in the city or a
17 teen night event at such public bowling center without first having procured a permit or permits
18 to do so, issued by the City Clerk. Applications for permits shall be made to the City Clerk, who
19 shall issue a permit upon compliance with provisions of this chapter, as evidenced by certificates
20 of compliance with the Police, Health, Fire, and Building and Safety Departments. ~~The term~~
21 ~~"license" as used herein shall mean "permit," as herein prescribed.~~ For purposes of this chapter, a
22 public bowling center shall mean the business of operating, conducting or offering to the public
23 any improved facility as a place to conduct or participate in bowling on one or more officially

1 certified bowling lanes. For purposes of this chapter, officially certified shall mean certified by a
2 nationally recognized certification organization such as the American Bowling Congress, or its
3 successor organization.

4 Section 3. That Section 5.14.020 of the Lincoln Municipal Code be amended to
5 read as follows:

6 **5.14.020 Application for Public Bowling Center Permit; Permit Fee.**

7 Any person proposing to operate a public bowling ~~alley~~ center shall file with the City
8 Clerk an application in writing accompanied by a permit fee of five dollars.

9 (a) The application shall be made on forms supplied by the City Clerk and shall
10 contain the following information:

- 11 (1) The name of the applicant;
- 12 (2) The business address of the applicant;
- 13 (3) The business name of the use;
- 14 (4) The organization of the applicant, including the ownership;
- 15 (5) The number of ~~alleys~~ lanes;
- 16 (6) A complete description of the premises to be used;
- 17 (7) Certification information.

18 (b) The application shall be referred to the following departments for report:

- 19 (1) Health Department for determination of compliance with applicable health
20 ordinances;
- 21 (2) Fire and Rescue Department for determination of compliance with
22 applicable fire ordinances;

1 (3) Building and Safety Department for determination of compliance with
2 applicable building and zoning ordinances;

3 (4) Police Department for determination of fitness of applicant.

4 Section 4. That Chapter 5.14 of the Lincoln Municipal Code be amended by
5 adding a new section numbered 5.14.022 to read as follows:

6 **5.14.022 Teen Night Events; Application; Permit Fee.**

7 A public bowling center permittee under this chapter may submit an application for a teen
8 night permit or permits for a series of teen night events upon the premises permitted under the
9 public bowling center permit to the City Clerk for consideration accompanied by a permit fee of
10 five dollars for each teen night event applied for. If the permittee complies with the requirements
11 under this chapter, the City Clerk may issue the same, and, in addition if the application for a
12 series of teen night events complies with the criteria under this chapter, the City Clerk may issue
13 the same subject to allowing a reasonable amount of time, where possible, after the initial date
14 and each succeeding date in the series thereafter for the Clerk to receive reports as follows:

15 (a) A report from a peace officer that there is reasonable grounds to believe a
16 violation of the Nebraska Liquor Control Act; a violation of this code related to liquor; or this
17 chapter by the applicant or related to the applicant's liquor license at the same premises occurred
18 or will occur during the time periods covered by the teen night permit if the permit is issued.

19 (b) A report from a peace officer or the Director of Building and Safety or a
20 representative designated by the director that there is reasonable grounds to believe a violation of
21 any applicable fire code, occupancy code, building code or any other health and safety related
22 code applicable to the applicant or the related premises has occurred or will occur during the time
23 periods covered by the teen night permit if the permit is issued.

1 Upon receipt of such report the subsequent functions applied for in the series thereafter
2 shall be deemed denied by the City Clerk and the related permit shall be null and void upon
3 issuance of a written notice to the applicant.

4 Section 5. That Section 5.14.030 of the Lincoln Municipal Code be amended to
5 read as follows:

6 **5.14.030 Permit; Conditions for Issuance.**

7 ~~The~~ Any permit issued hereunder applies only to the premises and activities described in
8 the application and in the permit issued thereon, and only one location respectively for the public
9 bowling center and for the separate area reserved for the teen night activities, if any, shall be so
10 described in each permit. Every permittee shall cause the issued public bowling center permit to
11 be framed and hung in plain view in a conspicuous place on the premises.

12 Section 6. That Section 5.14.040 of the Lincoln Municipal Code be amended to
13 read as follows:

14 **5.14.040 Permit Expiration.**

15 All permits granted under the provisions of ~~this chapter~~ Section 5.14.020 shall expire on
16 the thirty-first day of May following the date of their issuance, unless revoked prior thereto as
17 provided in this chapter. All permits granted under the provisions of Section 5.14.022 shall
18 expire as provided on the permit itself, but in any event no longer than one year after the date of
19 issuance.

20 Section 7. That Section 5.14.050 of the Lincoln Municipal Code be amended to
21 read as follows:

1 **5.14.050 Additional ~~Alleys~~ Lanes; Application.**

2 In case a permittee under this chapter desires to operate additional ~~alleys~~ lanes, the
3 permittee shall present an application therefor, showing in addition to the other required
4 information the number of additional ~~alleys~~ lanes desired for operation. An additional permit
5 may be granted for the unexpired portion of the permit year for the operation of the additional
6 ~~alleys~~ lanes upon the payment of the required fees and taxes.

7 Section 8. That Section 5.14.060 of the Lincoln Municipal Code be amended to
8 read as follows:

9 **5.14.060 Occupation Tax.**

10 Before ~~the~~ any public bowling center permit shall be issued, the applicant shall pay to the
11 city an occupation tax of five dollars for each ~~alley~~ lane to be used for a public bowling ~~alley~~
12 center.

13 Section 9. That Section 5.14.070 of the Lincoln Municipal Code be amended to
14 read as follows:

15 **5.14.070 Revocation.**

16 It shall be a condition of ~~the~~ any permit issued under this chapter that it may be revoked at
17 any time by the city ~~for the~~ upon reasonable grounds to believe that a permittee has committed or
18 allowed a violation of the statutes of the State of Nebraska or any of the provisions of this
19 chapter or ordinances of the city related to the permit, the permitted premises, or activities
20 authorized by any permit.

21 Section 10. that Section 5.14.080 of the Lincoln Municipal Code be amended to
22 read as follows:

1 **5.14.080 Only Games Designated in Application to be Played.**

2 No other games than those designated in the application for such ~~license~~ permit shall be
3 played in any public bowling ~~alley~~ center.

4 Section 11. That Chapter 5.14 of the Lincoln Municipal Code be amended by
5 adding a new section numbered 5.14.100 to read as follows:

6 **5.14.100 Teen Night Events; Requirements.**

7 (a) No teen night event permit shall be issued to any applicant unless the building
8 complies in all respects with the provisions of this chapter, the ordinances of the city, all health
9 and fire regulations of the city, and laws of the State of Nebraska.

10 (b) No teen night shall be conducted in any portion of any liquor licensed premises
11 unless the premises in which alcoholic beverages are being dispensed are physically separated by
12 floor-to-ceiling partition walls and distinct from the remainder of the licensed premises and no
13 alcoholic beverages are stored, dispensed or permitted to enter or remain within the separate area
14 reserved for the teen night activities for the entire duration of the teen night as stated in the
15 permit.

16 (c) Any duly authorized city police officer or inspector shall be permitted to enter any
17 separate area reserved for the teen night activities for the purpose of inspecting any activities
18 conducted therein.

19 Section 12. That Chapter 5.14 of the Lincoln Municipal Code be amended by
20 adding a new section numbered 5.14.110 to read as follows:

21 **5.14.110 Teen Night Events; Use of Tobacco and Alcoholic Liquor; Prohibited.**

22 Admission to a teen night event shall be denied to any person showing evidence of
23 drinking any alcoholic liquor or who has any alcoholic liquor on their person. The sale and use of

1 cigarettes and tobacco products shall be prohibited at all times within the separate area reserved
2 under the permit for teen night activities.

3 Section 13. That Chapter 5.14 of the Lincoln Municipal Code be amended by
4 adding a new section numbered 5.14.120 to read as follows:

5 **5.14.120 Teen Night Events; Participation of Adults Prohibited.**

6 A person twenty-one years of age or over shall not enter, frequent, or remain at or within
7 the separate area reserved under the permit for teen night activities during any permitted teen
8 night event. This does not prohibit the attendance of the permittee and the permittee's manager or
9 other persons twenty-one years of age or older under the direct supervision and control of the
10 permittee or manager, duly authorized city officers, or parents, grandparents, or legal guardians
11 of any of the teens in attendance. It shall be prima facie evidence that a teen was in attendance at
12 the teen night event if the name of the teen appears in the roster for that particular event.

13 Section 14. That Chapter 5.14 of the Lincoln Municipal Code be amended by
14 adding a new section numbered 5.14.130 to read as follows:

15 **5.14.130 Teen Night Events; Closing Hours.**

16 No teen night event shall be permitted to operate between the hours of 12:00 midnight to
17 8:00 a.m.

18 Section 15. That Chapter 5.14 of the Lincoln Municipal Code be amended by
19 adding a new section numbered 5.14.140 to read as follows:

20 **5.14.140 Teen Night Events; Minimum Age.**

21 No person under thirteen years of age shall be permitted to enter, frequent, or remain in
22 any teen night event or within the separate area reserved under the permit for teen night events.

1 Section 16. That Chapter 5.14 of the Lincoln Municipal Code be amended by
2 adding a new section numbered 5.14.150 to read as follows:

3 **5.14.150 Teen Night Events; Falsifying Age.**

4 It is unlawful for any person to falsely represent the age of any person for the purpose of
5 allowing such person to enter, frequent, or remain at any teen night event or to gain entry to the
6 separate area reserved under the permit for teen night events.

7 Section 17. That Chapter 5.14 of the Lincoln Municipal Code be amended by
8 adding a new section numbered 5.14.160 to read as follows:

9 **5.14.160 Teen Night Events; Use of Facilities Limited.**

10 It shall be unlawful for any permittee to allow any person to enter, frequent, or remain on
11 or within the separate area reserved under the permit for teen night events other than a person of
12 the proper age who has timely and accurately completed the sign in roster, except as otherwise
13 permitted under this chapter.

14 Section 18. That Chapter 5.14 of the Lincoln Municipal Code be amended by
15 adding a new section numbered 5.14.170 to read as follows:

16 **5.14.170 Teen Night Events; Roster.**

17 As an incident to the operation of a teen night event, an accurate and current written sign
18 in roster of each and every participating teen must be maintained within the separate area
19 reserved under the permit for teen night events at all times during the teen night event activities
20 and thereafter retained by the permittee for a period of one year.

21 Section 19. That Chapter 5.14 of the Lincoln Municipal Code be amended by
22 adding a new section numbered 5.14.180 to read as follows:

1 **5.14.180 Teen Night Events; Liability Insurance.**

2 Before a teen night event permit is granted, any person operating any permitted teen night
3 shall file a certificate of liability insurance coverage as provided in Chapter 5.58 applicable to the
4 times and places in the application, and specifically showing that teen night events are not
5 excluded from general liability or are specifically included by endorsement, rider or otherwise.
6 The certificate of insurance coverage shall be timely filed with the City Clerk, and shall be
7 subject to the prior review and approval of the City Attorney for conformance with the
8 requirements of this section.

9 Section 20. That Chapter 5.14 of the Lincoln Municipal Code be amended by
10 adding a new section numbered 5.14.190 to read as follows:

11 **5.14.190 Teen Night Events; Violations.**

12 Except as specifically provided in Section 5.04.020, the issuance of a teen night event
13 permit shall not be deemed to permit any violation of law by any permittee or the owners,
14 operators, manager or members thereof.

15 Section 21. That Chapter 5.14 of the Lincoln Municipal Code be amended by
16 adding a new section numbered 5.14.200 to read as follows:

17 **5.14.200 Teen Night Events; Penalty.**

18 Any person upon whom a duty is placed by the provisions of this ordinance relating to
19 teen night events who shall fail, neglect or refuse to perform such duty or who shall violate any
20 of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction
21 thereof shall be punished by imprisonment in the county jail for a period not to exceed six
22 months, or by a fine of not to exceed \$100.00, recoverable with costs, or both. Each day that a
23 violation of this chapter continues shall constitute a separate and distinct offense and shall be

1 punishable as such. The Mayor may suspend or revoke any permit issued hereunder upon proof
2 submitted to the Mayor of reasonable ground to believe any violation of the provisions of this
3 chapter by any teen night event permittee or the owners, managers, operators, employees, of the
4 permittee.

5 Section 22. That Sections 5.14.010, 5.14.020, 5.14.030, 5.14.040, 5.14.050,
6 5.14.060, 5.14.070, and 5.14.080 of the Lincoln Municipal Code as hitherto existing be and the
7 same are hereby repealed.

8 Section 23. That this ordinance shall take effect and be in force from and after its
9 passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2004:

Mayor